

REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 31, 2006. In the Office Action, claims 9, 13, 14, 18, and 20-21 have been preliminarily rejected as allegedly being anticipated under 35 U.S.C. §102(b) and claims 11, 15, and 19 have been preliminarily rejected as allegedly being unpatentable under 35 U.S.C. §103(a).

In the present Response, claims 9, 20, and 21 have been amended, claim 22 has been newly added, and claims 9, 11, 13-15, and 18-22 remain pending in the presently pending patent application.

RESPONSE TO CLAIM REJECTION BASED ON ANTICIPATION

In the Office Action, claim 9, 13, 14, 18, 20, and 21 have been preliminarily rejected as allegedly being anticipated by U.S. Patent 3,199,820 to Thompson. For a proper rejection of a claim under 35 U.S.C. §102(b), the cited reference must disclose all elements/features/steps of the claim. See, *e.g.*, *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Claim 9

Amended independent claim 9, reads as follows:

9. An apparatus for displaying an object on a structure, comprising:

a holding portion shaped so as to allow said apparatus to hold to said structure by an interior portion of said holding portion being capable of resting on said structure;

a frictional element positioned on said holding portion to be in contact with said structure whereby said frictional element reduces mobility of said holding portion along said structure;

an enclosed central loop enclosed on a top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said

holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop;

a hook being an extension of said back portion of said enclosed central loop, said hook being capable of allowing said object to be set on said apparatus; and

wherein said enclosed central loop is capable of allowing a second object to be situated in said enclosed central loop after being placed within said left side portion or said right side portion.

(Emphasis Added)

The Applicant respectfully submits that amended claim 9 is not anticipated by Thompson. Specifically, Thompson does not disclose, teach, or suggest that the hook is an extension of the back portion of the enclosed central loop, where the enclosed central loop contains a top portion, a bottom portion, a front portion, and a back portion.

The Applicant has reviewed Thompson thoroughly and submits the following. The Office Action reads that the central triangle has a top portion, a bottom portion, a front portion, and a back portion. While the Applicant respectfully disagrees, if the Office Action reasoning is followed, the hook is connected to a bottom of the triangle, as labeled in the Office Action.

To add additional further definition of the presently pending application, the Applicant has added the limitation that the hook is an extension of the back portion of the enclosed central loop. FIG. 8 of the presently pending application clearly shows how the hook is an extension of the back portion of the enclosed central loop. Therefore, the Applicant respectfully requests that since what is labeled as the hook in Thompson, as denoted in the Office Action, clearly is not “an extension of the back portion of the enclosed central loop”, claim 9 be allowed.

Claims 13, 14, and 20

Since independent claim 9 is allowable over the prior art of record, its dependent claims 13, 14, and 20 are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir.

1988). Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

Claim 20

Claim 20 has been added to further define the physical structure of FIG. 8 in the presently pending patent application. Specifically, as is shown by FIG. 8, the holding portion contains an elongated top portion and an elongated side portion, where the elongated side portion extends in a direction substantially perpendicular to the elongated top portion. A portion of the elongated side portion is the back portion of the enclosed central loop. Allowance of claim 20 is respectfully requested.

Claim 21

Independent claim 21 has been amended similar to the amendment of claim 9, therefore the abovementioned reasons for allowance of claim 9 are applicable to claim 21.

Claim 18

Since independent claim 21 is allowable over the prior art of record, its dependent claim 18 is allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

RESPONSE TO CLAIM REJECTIONS BASED ON OBVIOUSNESS

In the Office Action, claims 11, 15, and 19 have been preliminarily rejected under 35 USC§103(a) as being unpatentable over Thompson in view of Hamerski (U.S. Patent No. 6,835,452). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Claims 11 and 15

Hamerski is used by the Office Action to address the element of a double adhesive tape. Since independent claim 9 is allowable over Thompson, as shown above, its dependent claims 11 and 15 are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Arguments with regard to allowability of claim 9 and addressing Thompson, may be referred to above.

Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

Claim 19

Since independent claim 21 is allowable over the prior art of record, its dependent claim 19 is allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing, the dependent claim recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why the dependent claim is allowable.

NEWLY ADDED CLAIM 22

Independent claim 22 has been added, which contains elements similar to the elements of independent claim 9, however, additional limitations have been added. For at least the reasons that independent claim 9 is allowable, as mentioned above, independent claim 22 is allowable. Newly added independent claim 22 reads as follows:

22. An apparatus for displaying an object on a structure, comprising:

a holding portion shaped so as to allow said apparatus to hold to said structure by an interior portion of said holding portion being capable of resting on said structure, said holding portion having an elongated top

portion and an elongated side portion, said elongated side portion extending in a direction substantially perpendicular to said elongated top portion;

a frictional element positioned on said holding portion to be in contact with said structure, whereby said frictional element reduces mobility of said holding portion along said structure;

an enclosed central loop, enclosed on a top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, a portion of said elongated side portion being said back portion of said enclosed central loop, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop; and

a hook having a top portion and a bottom portion, said hook being an extension of said back portion of said enclosed central loop and therefore an extension of said elongated side portion of said holding portion, said hook being capable of allowing said object to be set on said apparatus, and *said top portion of said hook extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion.*

(Emphasis Added)

REQUEST FOR CHANGE OF ATTORNEY DOCKET NUMBER/TITLE

A Request for Change of Attorney Docket Number/Title is being filed concurrently herewith.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

A Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address is being filed concurrently herewith.

PETITION FOR EXTENSION OF TIME

Applicant petitions to extend the time for filing the Request for Continued Examination in response to the Final Office Action dated October 31, 2006 for one (1) month, from January 31, 2007 to February 28, 2007. A Petition for Extension of time is being submitted concurrently herewith.

AUTHORIZATION TO CHARGE/CREDIT DEPOSIT ACCOUNT

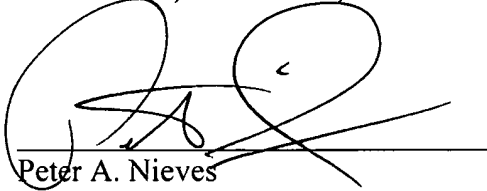
Authorization to charge Deposit Account No. 501304 is hereby granted for a one-month extension of time. It is not believed that additional fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this response. However, in the event that additional extensions of time and/or payment of fees are necessary to allow consideration of this response, such extensions and payments are hereby petitioned under 37 C.F.R. § 1.136(a) and are hereby authorized to be charged to Deposit Account No. 501304.

CONCLUSION

In light of the foregoing and for at least the reasons set forth above, the Applicant respectfully requests favorable reconsideration and allowance of the present application and the presently pending claims. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 627-8134.

Respectfully submitted,

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